

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7109 of 2023

Arising Out of PS. Case No.-158 Year-2022 Thana- AAJAM NAGAR District- Katihar

1. RAJU SAHA @ RAJU KUMAR SAHA Son of Late Budhu Saha Resident of Village - Khuriyal, P.S.- Azam Nagar, Distt.- Katihar.
2. Priyanka Kumari @ Priyanka Saha daughter of Jagarnath Saha Resident of Village - Khuriyal, P.S.- Azam Nagar, Distt.- Katihar.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Pawan Kumar Singh, Advocate
For the Opposite Party/s : Mr.Ramesh Chandra, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 16-05-2023 Learned counsel for the petitioners submits that petitioner no. 2 is the daughter of Jagarnath Saha but in the title portion it has been wrongly typed as son of Jagarnath Saha.

As prayed, permission is granted to make correction in this regard.

Heard learned counsel for the petitioners and learned APP for the State.

The petitioners, in the present case, are seeking pre-arrest bail in connection with Azam Nagar P.S. Case No. 158/2022 registered for the offences punishable under Sections 363, 366(A)/34 of the Indian Penal Code. They have no criminal antecedent as stated in paragraph ‘3’ of the application.

As per the prosecution story, it has been alleged that



on 01.06.2022 at about 7:00 P.M. the minor daughter of the informant has become traceless from the house. It is further alleged that after search the informant came to know from the villagers that one Jagarnath Saha (Co-villager of informant) with the help of co-accused persons has induced her and kidnapped his minor daughter.

Learned counsel for the petitioners submits that petitioner has been falsely implicated in this case. Learned counsel submits that the specific allegation of abduction of minor daughter of the informant is against co-accused Jagarnath Saha and not against these petitioners.

Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

Having regard to the facts and circumstances of the case, wherein the specific allegation of taking away the minor girl is against the co-accused Jagarnath Saha, petitioner no. 1 is said to be the younger brother, whereas petitioner no. 2 is the daughter of said co-accused and it is their submission that for the alleged misdeeds of the main accused Jagarnath Saha, they are being harassed, this Court, therefore, directs that in case of their arrest/surrender within a period of four weeks from today, let the petitioners above-named be enlarged on bail on



furnishing of bail bond of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Katihar in connection with Azam Nagar P.S. Case No. 158 of 2022, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

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